

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

Proceeding by the Commissioner of Banking)
and Insurance, State of New Jersey, to fine) CONSENT
the public adjuster licenses of Kirk Hewitt,) ORDER
Reference No. 1024618 and A Plus Public)
Adjustment, Inc. Reference No.1570641)

To: Kirk Hewitt
 780 Morning Glory Drive
 Southampton, PA 18966

A Plus Public Adjustment, Inc.
1047 Millcreek Dr.
Feasterville, PA 19053-7320

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that A Plus Public Adjustment, Inc. (“A Plus”), currently licensed as a non-resident business entity public adjuster pursuant to N.J.S.A. 17:22B-5, and Kirk Hewitt (“Hewitt”), currently licensed as a non-resident individual public adjuster, pursuant to N.J.S.A. 17:22B-5, may have violated various provisions of the public adjuster laws of the State of New Jersey; and

WHEREAS, A Plus and Hewitt (collectively “Respondents”) are subject to the provisions of the New Jersey Public Adjusters Licensing Act of 1994 (“Public Adjusters Act”), N.J.S.A. 17:22B-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 17:22B-13 (c) and N.J.A.C. 11:1-37.13(b) 3ii, no individual, firm, association or corporation, shall have any right to compensation from any insured for services rendered to an insured as a public adjuster unless the right to compensation is based upon a written memorandum that specifies or clearly defines the

services to be rendered and the maximum fees to be charged, which fees shall be reasonably related to services rendered; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14a (1), (3), (4), and (5), and N.J.A.C. 11:1-37.14 (a) 2, 3, 4, 13, and 17, the Commissioner may suspend or revoke the license of a public adjuster or impose a fine if the licensee has violated any insurance law of this State; has violated any law in the course of acting as a public adjuster; has committed a fraudulent or dishonest act; has demonstrated the applicant's or licensee's lack of integrity, incompetency, bad faith, dishonesty, financial irresponsibility, or untrustworthiness to act as a public adjuster; has aided, abetted or assisted another person in violating any insurance law of this State; has made any misrepresentation of facts or advised any person on questions of law in conjunction with the business as a public adjuster; or has committed any other act, or omission which the Commissioner determines to be inappropriate conduct by a licensee of this State; and

WHEREAS, on or about May 7, 2015, Respondents issued a written contract and/or memorandum to potential insured RI that failed to clearly specify and define the services to be rendered, in violation of N.J.S.A. 17:22B-13 (c) and N.J.A.C. 11:1-37.13(b) 3ii; and

WHEREAS, Respondents, with respect to the matter involving the written contract and/or memorandum issued to potential insured RI, failed to properly supervise the business activities conducted by licensed employee Gary Hupp and unlicensed marketer Dave Schilling, in violation of N.J.S.A. 17:22B-14a (1), (3), (4), and (5), and N.J.A.C. 11:1-37.14 (a) 2, 3, 4, 13, and 17; and

WHEREAS, the Respondents:

- 1) Have admitted responsibility for the aforementioned violations; and
- 2) Have cooperated with the Department of Banking and Insurance's investigation; and

WHEREAS, cause does exist under N.J.S.A. 17:22B-17 to impose a fine; and

WHEREAS, the Respondents have waived their right to a hearing on the aforementioned violations and consented to the payment of a fine in the amount of \$5,000.00 for violations of the Public Adjusters Act; and

WHEREAS, this matter should be resolved upon the consent of the parties without resort to a formal hearing on the aforementioned violations; and

NOW, THEREFORE, IT IS on this 9th day of JUNE, 2016

ORDERED AND AGREED, that Respondents admits to the violations of the Public Adjusters Act; and

IT IS FURTHER ORDERED AND AGREED, that Respondents shall pay a fine in the amount of \$5,000.00 for the violations of the Public Adjusters Act admitted herein; and

IT IS FURTHER ORDERED AND AGREED, that said fine shall be paid by certified check, cashier's check or money order made payable to the "State of New Jersey, General Treasury", which shall be paid immediately upon execution of this Consent Order by Respondents; and

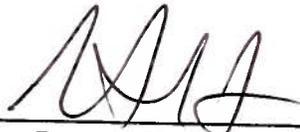
IT IS FURTHER ORDERED AND AGREED, that the signed Consent Order, together with the fine payment of \$5,000.00, shall be remitted to:

New Jersey Department of Banking and Insurance
Attention: Virgil Downtin - Chief of Investigations
9th Floor, Consumer Protection Services, Enforcement
P. O. Box 329
Trenton, New Jersey 08625

IT IS FURTHER ORDERED AND AGREED, that in the event full payment is not made in accordance with this Order, the Commissioner may exercise any and all remedies available by law, including but not limited to recovery of any unpaid penalties in summary proceedings, in accordance with the penalty enforcement law N.J.S.A. 2A:58-10 et seq.; and

IT IS FURTHER ORDERED AND AGREED that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein; and

IT IS FURTHER ORDERED AND AGREED that the Respondents shall cease and desist from engaging in the conduct that gave rise to this Consent Order.



Peter L. Hartt
Director of Insurance

Consented to as to Form,
Entry and Content:

By:

A Plus Public Adjustment, Inc.
A Plus Public Adjustment, Inc.

Owner

Title

Kirk Hewitt

Kirk Hewitt

June 7, 2016

Date

Angela M. Smith

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
ANGELA M SMITH
Notary Public
LOWER SOUTHAMPTON TWP., BUCKS COUNTY
My Commission Expires Jun 26, 2017